

FISCAL NOTE

Bill #: SB0406

Title: Fund civil legal assistance for indigent victims of domestic violence

Primary Sponsor: Shockley, J

Status: As Amended in House Committee

Sponsor signature

Date

David Ewer, Budget Director

Date

Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
State Special Revenue	\$23,530	\$31,370
Revenue:		
State Special Revenue	\$23,530	\$31,370
Net Impact on General Fund Balance:	\$0	\$0

<input type="checkbox"/> Significant Local Gov. Impact	<input checked="" type="checkbox"/> Technical Concerns
<input type="checkbox"/> Included in the Executive Budget	<input type="checkbox"/> Significant Long-Term Impacts
<input type="checkbox"/> Dedicated Revenue Form Attached	<input checked="" type="checkbox"/> Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

Department of Revenue

1. This bill increases the fee on a petition for dissolution of marriage by \$10. The bill allocates the additional \$10 to the civil legal assistance for indigent victims of domestic violence program.
2. The bill has no effective date, so it is assumed the bill will become effective on October 1, 2005. Because the bill becomes effective in October there will be only a partial year impact in FY 2006 and a full year impact in FY 2007.
3. The children's trust account receives \$5 from both the fee for filing a petition for dissolution of marriage and the fee for filling a petition for legal separation. Total FY 2004 collections for the children's trust fund account from these fees were \$16,187. It is estimated that there were 3,237 ($\$16,187 / \$5 = 3,237$) filings of a combination of petition for dissolution of marriage and petition for legal separation.
4. Based on discussions with the local clerk of district court, it is assumed that less than 100 petitions for legal separation are filed in a given year. Consequently, for the purposes of this fiscal note, it is estimated that 3,137 ($3,237 - 100 = 3,137$) petitions for dissolution of marriage were filed in FY 2004. Under this bill an additional \$31,370 ($3,137 \times \$10 = \$31,370$) in fees would have been deposited into the state special revenue account for civil legal assistance for indigent victims of domestic violence in FY 2004.

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(continued)

5. Having no basis to estimate the trend in the number of petitions for dissolution of marriage, it is assumed the number of petitions for dissolution of marriage in future years will remain constant.
6. In FY 2006 the increased fee will be in affect for three quarters of the fiscal year, increasing the revenue to the state special revenue account for civil legal assistance by a total of \$23,530 (2,353 X \$10 = \$23,530). In FY 2007 the increase in the fee will be in affect for the full fiscal year, increasing the revenue to the state special revenue account for civil legal assistance by a total of \$31,370 (3,137 X \$10 = \$31,370).

Judiciary

7. The Supreme Court Administrator currently designates a nonprofit organization to render legal services to indigent persons in domestic violence cases. The expenditures made from this revenue source would increase by the amount of the increased revenue.

FISCAL IMPACT:

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$23,530	\$31,370
<u>Funding:</u>		
State Special Revenue (02)	\$23,530	\$31,370
<u>Revenues:</u>		
State Special Revenue (02)	\$23,530	\$31,370
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
State Special Revenue (02)	\$0	\$0

LONG-RANGE IMPACTS:

The state special revenue account for civil legal assistance for indigent victims will see revenue increase or decrease based on the number of petition for dissolution of marriage that are filed over or under the FY 2004 base number of 3,137.

TECHNICAL NOTES:

1. Under current and proposed law it is not clear how to allocate the fee for a petition for dissolution of marriage when a judge waives part of the fee (for example, if a judge waives all but \$40 of the current \$160 fee for a petition for dissolution of marriage). It is unclear how the department is to allocate the \$40 between the children's trust fund (\$5 of \$160), the state special revenue account for civil legal assistance for indigent victims (\$9 of \$160), the account for the partner and family member assault intervention and treatment (\$30 of \$160) and the state general fund (\$116 of \$160). Take out the general fund portion of the allocation and it still leaves \$44 that needs to be allocated out of the \$40 approved by the judge. If 25-1-201, MCA, provided some language that allowed for a prorated allocation based on the amount of the fee collected, it would improve the administration of this section of Montana Code.